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N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF	:	Administrative Action
	:	
TRACY GINSBURG, D.M.D.	:	INTERIM CONSENT ORDER
License No. 22DI 02066600	:	
	:	
LICENSED TO PRACTICE DENTISTRY	:	
IN THE STATE OF NEW JERSEY	:	

The New Jersey State Board of Dentistry ("Board") reviewed information regarding the dental practice of Tracy Ginsburg, D.M.D. ("Dr. Ginsburg" or "respondent"), and in particular the treatment of patient M.B. on November 8, 2012. Respondent provided an incident report as required by N.J.A.C. 13:30-8.8, and a subsequent narrative in which she described her treatment of the patient, a 63 year-old man, under parenteral conscious sedation, and the adverse events that followed the administration of sedation and dental treatment, including his removal to a hospital where he died three days later. Respondent did not have a current permit to administer parenteral conscious sedation at the time of the incident. Based on its review of the materials provided to date, it appears to the Board that

respondent has demonstrated a deficiency of knowledge in issues related to patient assessment, pharmacology, treatment of medically compromised patients, and emergency protocols. Having reviewed the record created to date, it appears to the Board that respondent's use of parenteral conscious sedation and/or enteral sedation in her practice is not consistent with the public health, safety, and welfare at this time. The Board reserves its right to bring any action it deems appropriate based on respondent's conduct now known or hereafter developed. Respondent, without making any admissions and reserving her ability to defend against any action that may be brought, has agreed to the entry of this order. The Board finds the entry of the interim consent order to be adequately protective of the public health, safety, and welfare.

THEREFORE, IT IS ON THIS 14th DAY OF August, 2013,

HEREBY ORDERED AND AGREED THAT:

1. Tracy Ginsburg, D.M.D., agrees that she will immediately cease from administering parenteral conscious sedation ("PCS") and enteral sedation until further order of the Board.
2. Respondent agrees that she will not prescribe, administer or dispense sedative hypnotics except as permitted by paragraph 3 of this order.
3. For purposes of achieving anxiolysis only, and without causing a depressed level of consciousness in her patients, Respondent may prescribe, administer, or dispense only oral doses of the drug Valium

or its generic equivalent ("medication") under the following conditions:

- (a) respondent shall prescribe, administer, or dispense the medication only to patients who are classified as ASA I or ASA II;
- (b) immediately prior to prescribing, administering, or dispensing the medication, respondent shall take a full medical history and perform an assessment of the patient to determine the patient's suitability to receive the medication. The findings of the medical history and assessment shall be placed in the patient's chart;
- (c) the medication prescribed, administered, or dispensed shall not exceed 5mg in total per patient per visit;
- (d) for all patients receiving the medication, respondent shall again assess the patient immediately prior to performing dental treatment, and shall record in the patient record the patient's vital signs and her observations of the patient pre-op, during the procedure, and post-op, including any drug interactions or untoward events;
- (e) for all patients for whom the medication was prescribed, dispensed, or administered, respondent shall provide to the Board on a monthly basis a copy of the patient records including the medical history, copy of the prescription issued (if applicable), a narrative regarding treatment rendered, and the rationale for providing the medication, and patient disposition upon discharge. For purposes of this section, the first monthly report shall be due on September 1, 2013;
- (f) for medication dispensed or administered in her office, respondent shall maintain a log of the medication kept or maintained in her office. The log shall reflect the patient name, date, and the medication dispensed (quantity and dose). Respondent shall maintain a copy of invoices for all purchases of medications. Respondent shall provide a copy of the medication log and invoices to the Board on a monthly basis.

4. Dr. Ginsburg must complete an 80 hour PCS course as described in N.J.A.C. 13:30-8.2 prior to requesting the reinstatement of her PCS permit. The PCS course must be pre-approved by the Board.

5. If Dr. Ginsburg petitions the Board for reinstatement of her PCS permit and/or ability to administer enteral sedation, she must appear before the Board. An Investigative Inquiry has been scheduled for November 6, 2013 at 1:00 P.M. At that time, the Board, in their discretion, may continue the suspension of Respondent's PCS permit and/or ability to administer enteral sedation if they deem it necessary to protect the public health, safety, and welfare. The Board may also choose to reinstate her PCS permit and/or allow her to administer enteral sedation. The Board may also impose any reasonable conditions or restrictions on the PCS permit and/or ability to administer enteral sedation they deem necessary to protect the public health, safety, and welfare.

6. Dr. Ginsburg shall forward her parenteral conscious sedation permit to Jonathan Eisenmenger, Executive Director, State Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Newark, New Jersey 07101, within three days of the entry of this order.


7. Failure to comply with any of the terms of this interim consent order may result in immediate disciplinary action, including an application for suspension of license on short notice.

8. The parties hereby stipulate that entry of this Order is without prejudice to further action, by this Board or the

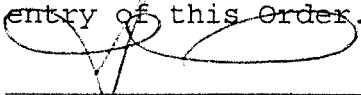
Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Respondent's conduct prior to the entry of this Order.

NEW JERSEY STATE BOARD OF DENTISTRY

By:


Peter L. DeSciscio, D.M.D.
Board President

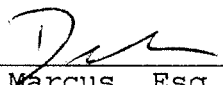
I have read and understand this Interim Consent Order and agree to be bound by its terms. I consent to the entry of this Order.


Tracy Ginsburg, D.M.D.

8-1-13

Date

Consented to as to form and entry.


Debra Marcus, Esq.
Attorney for Dr. Ginsburg

8-1-13

Date